

ASSESSMENT BY THE COMMONWEALTH OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the sixth s 486O assessment on Mr X who has remained in immigration detention for more than 90 months (seven and a half years). The previous assessment 1000518-O was tabled in Parliament on 6 September 2017. This assessment provides an update and should be read in conjunction with the previous assessments.

Name	Mr X
Citizenship	Country A
Year of birth	1994 ¹
Ombudsman ID	1000518-O1
Date of department's reports	15 June 2017 and 14 December 2017
Total days in detention	2,732 (at date of department's latest report)

Recent detention history

Since the Ombudsman's previous assessment, Mr X has continued to be placed in the community.²

Recent visa applications/case progression

15 June 2017	The Department of Home Affairs (the department) advised that Mr X had been identified for removal action but that his removal was likely to be protracted due to the birth of his daughter who is an Australian citizen. The department further advised that it was undertaking an assessment of the child's best interests in relation to Mr X's proposed removal from Australia.
15 July 2017	The department concluded that the daughter's best interests could continue to be served by her mother, who would retain custody after Mr X's proposed removal.
28 July 2017	Mr X was issued with a travel document from the authorities of Country A.
26 October 2017	Mr X's case was referred to the Minister for consideration under s 197AD of the <i>Migration Act 1958</i> to revoke his community placement, as the department believed that there was a strong likelihood that Mr X would abscond if he remained in the community.
13 November 2017	The Minister revoked Mr X's community placement under s 197AD.
14 December 2017	The department advised that it was arranging to transfer Mr X to an immigration detention facility by 22 December 2017 to facilitate his removal from Australia. The department further advised that Mr X would not be referred to the Minister for consideration under s 195A for the grant of a bridging visa pending his removal.

¹ The department advised that Mr X's year of birth was previously recorded as 1997 and was amended to 1994 after sighting a travel document from the authorities of Country A.

² Mr X was granted a placement in the community under s 197AB and remains in immigration detention.

Health and welfare

International Health and Medical Services advised that Mr X did not receive treatment for any major physical or mental health issues during this assessment period.

Other matters

The department advised that Mr X's partner is an Australian citizen. Their daughter was born in February 2017 and is residing with her mother in Western Australia.

Case status

Mr X has been found not to be owed protection under the Refugee Convention and the complementary protection criterion and has remained in immigration detention, both in a detention facility and the community, for more than seven and a half years. He has no matters before the department, the courts or tribunals and is on a removal pathway.